

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 74853

Jonathan Riddix
Rose Riddix
122 Carver Road
Baltimore MD 21222

115 Balnew Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 26, 2010, for a Hearing on a citation for violations of the Baltimore County Building Code (BCBC) section 115; Baltimore County Code (BCC) section 35-2-203; Council Bill #49-07 section 115.0, 115.3, 115.4: unsafe structure, building collapsing, failure to raze or rehabilitate structure on residential property known as 115 Balnew Avenue, 21222.

On April 21, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Lewis Mayer issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,600.00 (five thousand six hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 23, 2010 for unsafe structure, building collapsing, failure to raze or rehabilitate building, with a compliance date of April 12, 2010. This Citation was issued on May 26, 2010.

B. Photographs in the file show a residential investment property with white siding. The property has commercial zoning (BL-AS) but state property tax assessment records identify the property's use as "Residential," and further note "Principal Residence: No." Notes in the file state that the house is vacant. State property tax records show that the current owner purchased the property in 1996. The notices were mailed to the owner's address of record and were not returned undeliverable. The County's notices were also posted on the property, as shown by photographs in the file. The property was also placarded with the County Building Engineer's condemnation placard, stating "DANGER This Building Is Unsafe, Its Use or Occupancy Has Been Prohibited by the Building Engineer."

C. Notes in the file by Building Inspector Lewis Mayer state that his March 23, 2010 inspection found broken window glass and also found the side walls and ceilings apparently collapsing. Re-inspection on April 22, 2010 found the building had not been razed and no permit for rehabilitation had been obtained. Re-inspection on May 25, 2010 found no change. Notes in the file from Terri Kingeter, Baltimore County Office of Community Conservation, state that the left side of the house "appears to be caving in" and that viewing through the windows shows that it looks like the roof has fallen in.

D. This is an investment property. Respondents are required by law to maintain the exterior of this rental property at least in conformance with county code standards. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondents have failed to maintain this property and have permitted significant deterioration. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402. Respondents have failed to respond to the County's notices, and this Citation will be enforced.

E. The Baltimore County Building Code provides authority for the County to require Respondents to raze or repair this structure. See Building Code, IBC Section 115.0, Unsafe Structures and Equipment. The March 23, 2010 Correction Notice constitutes the notice provided for by Section 115.3, which states that if an unsafe condition is found in a building or structure, the building official shall serve written notice specifying required repairs or requiring the unsafe building to be demolished within a stipulated time. Respondents failed to respond to this notice and failed to comply with the order. Under Section 115.4, Failure to Comply, the County instituted this code enforcement proceeding under BCC Article 3, Title 6, to require Respondents to correct the violation or remove the structure. See Section 113.3 (Prosecution of Violation).

F. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected, either by razing or repairing the building, within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$5,600.00 (five thousand six hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by June 28, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14th day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer